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5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

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8 JOSE HERNANDEZ,

9 Plaintiff,

10 v.

11 INDYMAC BANK, et al.,

12 Defendants.

Case No. 2:12-cv-00369-MMD-CWH
Member Case: 2-13-cv001431-MMD-CWH

ORDER

13 This action involves claims for declaratory and injunctive relief to prevent a
14 mortgage foreclosure.¹ The Court granted summary judgment in favor of Defendants and
15 Qualify Loan Service Corporation (“Quality Loan”). (ECF No. 154.) In particular, the Court
16 found that the undisputed evidence shows that Quality Loan was authorized to act as
17 Deutsche Bank’s agent at the time of the recording of the Notice of Default on March 10,
18 2009. (ECF No. 155.) Plaintiff has filed a motion to reconsider or amend the Order under
19 Fed. R. Civ. P. 59(e) (“Motion”). (ECF No. 157.) The Court has reviewed Defendants’
20 response and Quality Loan’s joinder, as well as Plaintiff’s reply. (ECF No 158, 159, 160.)
21 For the reasons discussed below, Plaintiff’s Motion is denied.

22 A motion for reconsideration must set forth the following: (1) some valid reason
23 why the court should revisit its prior order; and (2) facts or law of a “strongly convincing
24 nature” in support of reversing the prior decision. *Frasure v. United States*, 256 F. Supp.
25 2d 1180, 1183 (D. Nev. 2003). A motion for reconsideration under Rule 59(e) should not
26 be granted “absent highly unusual circumstances, unless the district court is presented

27
28 ¹The relevant background facts are recited in the Court’s Order granting summary
judgment. (ECF No. 154.)

1 with newly discovered evidence, committed clear error, or if there is an intervening change
2 in the controlling law.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571
3 F.3d 873, 880 (9th Cir. 2009) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d
4 656, 665 (9th Cir. 1999)).

5 Plaintiff has offered no valid reason for the Court to reconsider or amend its Order.
6 Plaintiff simply re-asserts the arguments he presented in opposing summary judgment.
7 However, “[a] motion for reconsideration is not an avenue to re-litigate the same issues
8 and arguments upon which the court already has ruled.” *Brown v. Kinross Gold, U.S.A.*,
9 378 F.Supp.2d 1280, 1288 (D. Nev. 2005). Mere disagreement with an order is an
10 insufficient basis for reconsideration. The Court will therefore deny Plaintiff’s Motion.

11 It is ordered that Plaintiff’s Motion to Reconsider and Alter or Amend (ECF No. 157)
12 is denied.

13 DATED THIS 28th day of April 2017.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE